

Remarks

The present amendment is submitted in response to an Office Action dated January 6, 2005. In the Office Action, the Examiner rejected claims 1, 3-5, 8-12, 14, 16-17 and 19-20 under 35 U.S.C. § 102(b) as being anticipated by Gibbs (U.S. Patent No. 5,836,529). In addition, claims 2, 6-7, 13, 15 and 18 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Gibbs in view of Jarrett (U.S. Patent No. 6,345,257).

With respect to the rejection of the claims under 35 U.S.C. § 102(b) as being anticipated by Gibbs, Applicants respectfully submit that claims, as amendment, overcome the rejections thereto.

Specifically, independent claim 1 now defines a method whereby a plurality of dispositions are provided, and the rail equipment is assigned a disposition based on the overall damage condition of the railcar. Moreover, independent claim 12 now defines means for assigning a disposition to the rail equipment from a plurality of dispositions based on the overall damage condition of the rail equipment. Dispositions may include, for example, direct delivery to a customer, to be worked on by a mobile repair unit, or to be shopped at a repair facility. These features are nowhere seen, taught or described in any of the prior art, taken alone or in combination.

Gibbs merely discloses a system for tracking rail equipment, and recording information relating to the rail equipment, but does not teach or describe providing a plurality of dispositions wherein a disposition for the rail equipment is assigned based on the overall damage condition of the railcar. Applicants respectfully submit that independent claims 1 and 13 are presently in condition for allowance.

Claims 2-11 depend from independent claim 1 and claims 13-20 depend from independent claim 12. These claims are further believed allowable over the references of record

for the same reasons set forth with respect to their parent claims since each sets forth additional steps and structural elements of Applicants' novel method and system.

#### CONCLUSION

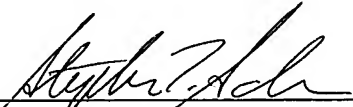
In view of the foregoing remarks and amendments, Applicants respectfully submit that all of the claims are in allowable form and that the application is now in condition for allowance. Applicants further respectfully submit that neither further search nor consideration would be necessitated by entry of this amendment. Therefore, entry is proper and should be effected.

If, however, any outstanding issues remain, Applicants urge the Examiner to telephone Applicants' attorney so that the same may be resolved and the application expedited to issue. Applicants respectfully request the Examiner to indicate all claims as allowable and to pass the application to issue.

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McDERMOTT WILL & EMERY LLP  
227 West Monroe Street  
Chicago, Illinois 60606-5096  
tel.: 312.372.2000  
fax.: 312.984.7700

Respectfully submitted,

  
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Stephen T. Scherrer, Reg. No. 45,080